

38 shall be entitled to obtain a similar subsidy from the 479
39 fund to the extent that they provide basic local exchange 480
40 services; provided, however, that such subsidy shall not
41 exceed 90 percent of the per line amount provided the 481
42 incumbent local exchange company for existing basic local 482

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1	exchange service or 100 percent of new basic local	
2	exchange service.	483
3	(f) The commission shall require any local exchange	485
4	company seeking reimbursement from the fund to file the	486
5	information reasonably necessary to determine the actual	487
6	and reasonable costs of providing basic local exchange	
7	services.	488
8	(g) The commission shall have the authority to make	490
9	adjustments to the contribution or distribution levels	491
10	based on yearly reconciliations and to order further	492
11	contributions or distributions as needed between companies	
12	to equalize reasonably the burdens of providing basic	493
13	local exchange service throughout Georgia.	494
14	(h) A local exchange company or other company shall not	496
15	establish a surcharge on customers' bills to collect from	497
16	customers' contributions required under this Code section.	498
17	46-5-168.	500
18	(a) The jurisdiction of the commission under this article	502
19	shall be construed to include the authority necessary to	503
20	implement and administer the express provisions of this	504
21	article through rule-making proceedings and orders in	505
22	specific cases.	
23	(b) The commission's jurisdiction shall include the	507
24	authority to:	
25	(1) Adopt reasonable rules governing certification of	509
26	local exchange companies;	510
27	(2) Grant, modify, impose conditions upon, or revoke a	512
28	certificate;	
29	(3) Establish and administer the Universal Access Fund	514
30	including modifications to the maximum allowable charge	515
31	for basic local exchange service;	
32	(4) Adopt reasonable rules governing service quality;	517
33	(5) Resolve complaints against a local exchange company	519
		520

34 regarding that company's service;
35 (6) Require a telecommunications company electing 522
36 alternative regulation under this article to comply with 523
37 the rate adjustment provisions of this article; 524

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1 (7) Approve and if necessary revise, suspend, or deny 526
2 tariffs in accordance with the provisions of this 527
3 article;

4 (8) If necessary, elect another comparable measurement 529
5 of inflation calculated by the United States Department 530
6 of Commerce;

7 (9) Establish reasonable rules and methodologies for 532
8 performing cost allocations among the services provided 533
9 by a telecommunications company; and

10 (10) Direct telecommunications companies to make 535
11 investments and modifications necessary to enable 536
12 portability.

13 (c) The commission shall render a final decision in any 538
14 proceeding initiated pursuant to the provisions of this 539
15 article no later than 60 days after the close of the 540
16 record except that the commission, by order, may extend
17 such period in any case in which it shall find that the 541
18 complexity of the issues and the length of the record 542
19 require an extension of such period, in which event the 543
20 commission shall render a decision at the earliest date
21 practicable. In no event shall the commission delay the 544
22 rendering of a final decision in such proceeding beyond 545
23 the earlier of 120 days after the close of the record or
24 180 days from the filing of the notice of rulemaking, 546
25 petition, or complaint that initiated the proceeding. 547

26 (d) In conducting any rule-making proceeding under this 549
27 article, the commission shall consider the following 550
28 factors:

29 (1) The extent to which cost-effective competitive 552
30 alternatives are available to existing 553
31 telecommunications networks and services; and

32 (2) Requirements necessary to prevent any disadvantage 555
33 or economic harm to consumers, protect universal 556
34 affordable service, establish and maintain an affordable 557
35 Universal Access Fund, protect the quality of
36 telecommunications services, prevent anticompetitive 558

37 practices, and prevent abandonment of service to areas 559
38 where there is no competing provider of
39 telecommunications service.

40 (e) Subject to any other provision of law protecting the 561
41 confidentiality of trade secrets, the commission shall 562
42 have access to the books and records of telecommunications 563

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1 companies as may be necessary to ensure compliance with
2 the provisions of this article and with the commission's 564
3 rules and regulations and to carry out its 565
4 responsibilities under this article.

5 (f) In order to promote economic development and 567
6 competitive advantage for the State of Georgia, the 568
7 commission shall have the authority to petition,
8 intervene, or otherwise commence proceedings before the 569
9 appropriate federal agencies and courts having specific 570
10 jurisdiction over the regulation of telecommunications 571
11 seeking to enhance the competitive market for
12 telecommunications services within the state. 572

13 46-5-169. 574

14 A company electing alternative regulation: 576

15 (1) Shall comply with orders issued and rules adopted by 578
16 the commission to implement the express provisions of 579
17 this article as a condition of obtaining or retaining a 580
18 certificate of authority under this article;

19 (2) Shall not refuse any reasonable application for 582
20 basic local exchange service; 583

21 (3) Shall not give any unreasonable preference or 585
22 advantage to any customer when providing 586
23 telecommunications services;

24 (4) Shall not, either directly or through affiliated 588
25 companies, engage in any anticompetitive act or practice 589
26 including but not limited to price squeezing, price 590
27 discrimination, predatory pricing, or tying
28 arrangements, as such terms are commonly applied in 591
29 antitrust law;

30 (5) Shall not cross-subsidize nonregulated or 593
31 alternatively regulated services with revenue created by 594
32 regulated services;

33 (6) Shall not give any preference to affiliated 596
34 companies;

35 (7) Shall allow the resale of its services. Nothing in 598
36 this Code section shall restrict a customer from 599
37 authorizing an agent to order such services on its 600
38 behalf; and

39 (8) Shall not be required to seek regulatory approval of 602
40 its depreciation rates or schedules. 603

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1 46-5-170. 605

2 Providers of local exchange services shall have access to 607

3 local telephone numbering resources and assignments on 608

4 equitable terms that include recognition of the scarcity 609

5 of such resources and that are in accordance with adopted

6 national assignment guidelines and commission rules. 610

7 Additionally, all local exchange companies shall make the 611

8 necessary modifications to allow portability of local 612

9 numbers between different certificated providers of local

10 exchange service as soon as reasonably possible after such 613

11 portability has been shown to be technically and 614

12 economically feasible and in the public interest.

13 46-5-171. 616

14 A local exchange company may not charge a residential 618

15 customer or single line business for basic local exchange 619

16 service based on the duration of a call or on the time of 620

17 day that a call is made; provided, however, that such

18 restriction shall not apply in any case where a customer 621

19 or business requests charges based on the duration of a 622

20 call or on the time of day that a call is made. This Code 623

21 section does not prohibit a local exchange company from

22 offering discounts based on the time of day that a call is 624

23 made if the company also offers basic local exchange 625

24 service at a rate permitted under Code Section 46-5-166. 626

25 46-5-172. 628

26 A Tier 1 local exchange company shall provide an annual 630

27 report with quarterly updates to the commission regarding 631

28 its investment commitment as prescribed in subsection (a) 632

29 of Code Section 45-5-165. Contributions to infrastructure 633

30 for distance learning and telemedicine by a Tier 1 local

31 exchange company shall be considered an investment credit 634

32 toward the required investment commitment of such Tier 1 635

33 company.

34 46-5-173. 637

35 (a) Any person that obtains an unpublished telephone 639

36 identification using a telephone caller identification 640

37 service may not do any of the following without the 641
38 written consent of the customer of the unpublished
39 telephone line identification: 642

40 (1) Intentionally disclose the unpublished telephone 644
41 line identification to another person for purposes of 645
42 resale or commercial gain;

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1 (2) Intentionally use the unpublished telephone line 647
2 identification to solicit business; or 648

3 (3) Intentionally disclose the unpublished telephone 650
4 line identification through a computer data base, 651
5 on-line bulletin board, or other similar mechanism. 652

6 (b) Each intentional disclosure or use of an unpublished 654
7 telephone line identification is a separate violation. A 655
8 person other than a corporation who violates subsection 656
9 (a) of this Code section may be required by the commission
10 to pay a civil penalty of not more than \$5,000.00. A 657
11 corporation that violates subsection (a) of this Code 658
12 section may be required by the commission to pay a civil 659
13 penalty of not more than \$50,000.00.

14 (c) The commission shall promulgate rules to further 661
15 establish privacy guidelines applicable to 662
16 telecommunications services.

17 (d) No provider of telephone caller identification service 664
18 shall be held liable for violations of this article 665
19 committed by other persons or corporations. 666

20 46-5-174. 668

21 The commission shall report to the General Assembly 670
22 annually on the status of the transition to alternative 671
23 regulation of telecommunications services in Georgia." 672

24 SECTION 3. 675

25 The Public Service Commission shall be required to conduct 677
26 at least three hearings in locations outside the 678
27 metropolitan areas of the state and accept evidence as to 679
28 the costs, feasibility, and methodology of providing for
29 toll free calling between two telephones where the central 680
30 offices serving such telephones are within an extended area 681
31 of service of not less than 22 miles of each other. The 682
32 methodology and analysis of the cost and feasibility of such
33 toll free calling area shall be conducted under the 683
34 supposition of an alternative system of regulation within 684
35 the framework of Section 1 of this Act. The commission shall 685

36 conduct such hearings prior to November 30, 1995, and shall
37 report its findings to the General Assembly no later than
38 December 31, 1995. The Public Service Commission shall 687
39 conclude its consideration in Docket 4231-U of the expansion 688
40 of local calling areas pursuant to its rules, including but 689
41 not limited to all balloting and the formulation of an
42 appropriate rate design, on or before January 1, 1996. The 690

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1 implementation of the expanded calling areas shall be 691
2 completed on or before July 1, 1996.

3 SECTION 4. 694

4 In the event any section, subsection, sentence, clause, or 696
5 phrase of this Act shall be declared or adjudged invalid or 697
6 unconstitutional, such adjudication shall in no manner 698
7 affect the other sections, subsections, sentences, clauses, 699
8 or phrases of this Act, which shall remain of full force and 700
9 effect as if the section, subsection, sentence, clause, or
10 phrase so declared or adjudged invalid or unconstitutional 701
11 were not originally a part hereof. The General Assembly 702
12 declares that it would have passed the remaining parts of 703
13 this Act if it had known that such part or parts hereof
14 would be declared or adjudged invalid or unconstitutional. 704

15 SECTION 5. 707

16 Section 2 of this Act shall become effective July 1, 1995. 709
17 The other sections of this Act shall become effective upon 710
18 the approval of this Act by the Governor or upon its 711
19 becoming law without such approval.

20 SECTION 6. 714

21 All laws and parts of laws in conflict with this Act are 716
22 repealed.